THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.8146 of 2003

Dated:15.06.2007

Between:

Smt.Veeramreddy Akkayamma.

…Petitioner

and

The Special Deputy Collector (Tribal Welfare), Rampachodavaram and others.

…Respondents

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AND
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ORDER: (Per the Hon'ble Sri Justice V.V.S.Rao)

The petitioner is statedly a tribal. She purchased land admeasuring Acs.2.69 cents in survey No.189 situated at Gontuvani Palem Village of Addateegala Mandal in East Godavari District, from one Vagu Sriramachandra Murthy, through a registered sale deed, dated 24.03.1972. The first respondent initiated L.T.R.P.No.103 of 1979 against the husband of the petitioner. However, the same was dismissed on 01.08.1985. Yet again, the first respondent initiated L.T.R.P.No.21 of 1997 against the petitioner. This time, by an order, dated 17.01.2002, the first respondent ordered ejectment of the petitioner on the ground that transfer in her favour is null and void. Aggrieved by the same, the petitioner preferred an appeal before the District Collector-cum-Agent to Government. The same is pending. Even while the same is pending, the first respondent issued another notice under Rule 7(2) in Form - E of the Andhra Pradesh Scheduled Areas Land Transfer Rules, 1969. This time notice was issued at the instance of one Burukoti Govindu, the third respondent herein. Assailing the same, the present Writ Petition is filed.

It is axiomatic, against notice of enquiry or show cause notice, a writ petition would not lie, even if it is alleged that the authority who

issued notice has no jurisdiction or suffers from inherent lack of jurisdiction. Learned counsel for the petitioner strenuously contends that in 1979, proceedings were initiated against the petitioner's husband, which were dropped, and again in L.T.R.P.No.21 of 1997, the petitioner was ordered to be ejected. Against the said order, appeal is pending, and therefore, repeated enquiries are not contemplated under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959).

We have perused the orders placed before us. L.T.R.P.No.103 of 1979 was *suo motu* proceedings initiated on a complaint given by the Special Deputy Tahasildar (Tribal Welfare), Addateegala, whereas L.T.R.P.No.21 of 1997 was yet another *suo motu* proceedings on a complaint given by the Special Deputy Tahasildar, Addateegala. However, L.T.R.P.No.37 of 2003, against which the present Writ Petition is filed, is filed at the instance of the third respondent. In that view of the matter, no infirmity can be pointed out. We, however, hasten to add that as the Writ Petition is filed virtually against a notice of enquiry in Form - E, it is always open to the petitioner to raise grounds which she seeks to contend before this Court. Instead of giving liberty to do so and without expressing any opinion on the merits of the case, the Writ Petition can be disposed of. We also further observe that the first respondent should first decide the preliminary objections raised by the petitioner without in any manner influenced by the observations made hereinabove.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

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(G.V.SEETHAPATHY, J)

15.06.2007
GJ